

DEC 22 2010

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

CARROLL E. WADE,  
Plaintiff,

v.

STANLEY K. YOUNG, et al.,  
Defendant.

) Civil Action No. 7:10-cv-00558  
)  
)  
) **ORDER**  
)  
)  
) By: Hon. James C. Turk  
) Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

**ORDERED**

that plaintiff's complaint is **DISMISSED without prejudice** for failing to state a claim upon which relief may be granted, pursuant to 28 U.S.C. § 1915A(b)(1); all pending motions are **DENIED as moot**; and the action is **STRICKEN** from the active docket of the court. Plaintiff may refile his complaint in a new and separate action at the time of his choice by filing a new complaint with the requisite details.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the plaintiff.

ENTER: This 22<sup>nd</sup> day of December, 2010.

*[Signature]*  
Senior United States District Judge